

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant(s)</b>	<b>:</b>	MASAKI	<b>Confirmation No.:</b>	4536
<b>Serial No.</b>	<b>:</b>	10/772,078	<b>Art Unit</b>	<b>:</b> 3735
<b>Filed</b>	<b>:</b>	February 3, 2004	<b>Examiner</b>	<b>:</b> T. Shih
<b>For</b>	<b>:</b>	OPHTHALMOLOGIC APPARATUS		

**AMENDMENT**

**MAIL STOP - Amendment**  
**Commissioner for Patents**  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Kindly amend the above-identified application in response to the non-final Office Action of July 30, 2007. A Petition and fee for a one-month extension of time accompanies this Amendment.

**Amendments to the Claims** are reflected in the listing of claims, which begins on Page 2 of this paper.

**Remarks** begin on Page 5 of this paper.

**AMENDMENTS TO THE CLAIMS**

**Please rewrite the claims as follows:**

1. (Previously Presented)      An ophthalmologic apparatus comprising:
- an eye examining portion unit for receiving a light beam and effecting the measurement of the eye to be examined;
- an image pickup element for picking up the image of the front eye part of the eye to be examined; and
- a controller for comparing pupil diameter of the eye to be examined with a predetermined value, for detecting the positional shift between a position of the vertex of the cornea and the eye examining portion unit in a case where the pupil diameter of the eye to be examined is larger than the predetermined value, for detecting the positional shift between the center of the pupil of the eye to be examined and the eye examining portion unit in a case where the pupil diameter of said eye to be examined is smaller than the predetermined value, and for aligning the eye examining portion unit based on the detected positional shift.

2-3. (Canceled)

4. (Withdrawn)      An ophthalmologic apparatus comprising:
- an eye examining portion unit for receiving a light beam and effecting the measurement of the eye to be examined;
- an image pickup element for picking up an image of the front eye part of

the eye to be examined; and  
a controller for obtaining an amount of eccentricity which is a distance between a central position of a pupil and a position of a vertex of a cornea, for aligning the eye examining portion unit based on the position of the vertex of the cornea in a case where the is smaller than a predetermined value, and for aligning the eye examining portion unit based on the central position of the pupil in a case where the amount of eccentricity is greater than the predetermined value.

5. (Withdrawn)      An ophthalmologic apparatus according to Claim 4, wherein said predetermined value is a measurable minimum pupil diameter.

6 and 7. (Canceled)

8. (Withdrawn)      An ophthalmologic apparatus according to Claim 4, further including warning means for warning an examiner that said amount of eccentricity is greater than the predetermined value.

9. (Withdrawn)      An ophthalmologic apparatus for projecting a light beam into the pupil of an eye to be examined, comprising:

an eye examining portion unit for receiving a light beam and effecting the measurement of the eye to be examined;

an image pickup element for picking up an image of the front eye part of the eye to be examined; and

a controller for effecting the alignment of an eye examining portion on the basis of positional shift between a central position of a pupil and the eye examining portion unit;

wherein the controller makes the tolerance level of the alignment between the eye examining portion unit smaller in a case where pupil diameter is smaller than a predetermined value.

10-13. (Canceled)

14. (New) An ophthalmologic apparatus according to Claim 1, wherein the controller determines the pupil diameter of the eye to be examined on the basis of an edge of the pupil in a horizontal direction and an edge of an iris in the horizontal direction.

**REMARKS**

The above amendments and following remarks are responsive to the points raised in the July 30, 2007 non-final Office Action. Upon entry of the above amendments, Claims 2, 3, 6, 7, and 10-13 will have been canceled, Claims 4, 5, 8, and 9 will have been withdrawn as being directed to a non-elected species, new Claim 14 will have been added, and Claims 1, 4, 5, 8, 9, and 14 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

**Response to Rejection under 35 U.S.C. § 102(b)**

Claims 1 has been rejected under 35 U.S.C. § 102(b) as being unpatentable over US Patent 5,889,576 to Fujieda. Applicant traverses this rejection and respectfully urges that the applied reference of Fujieda neither teaches nor suggests the subject matter recited in Applicant's claims.

The subject matter recited in Claim 1 includes a feature that when it is determined that the pupil diameter is smaller than the predetermined value, the alignment operation between the pupil center and the eye examining portion is executed, and when it is determined that the pupil diameter is larger than the predetermined value, the alignment operation between the position of the vertex of the cornea and the eye examining portion is executed. As the result, even if an eye lid covers a part of the pupil, an appropriate alignment operation can be executed.

In contrast, the applied reference of Fujieda discloses that an alignment state in XY directions is detected by setting a corneal vertex as the base, see Fujieda at Column 4, Line 59-64. In addition, Fujieda, as set forth in Column 6, Lines 12-21, also discloses that when there is a deviation between a corneal center and the pupil center, the XY alignment is executed by

referring to the pupil position. Specifically, Fujieda, in Column 6, Lines 25-27, discloses that a rectangle area 110 is directed toward the pupil center 111, and the XY alignment is executed by making the rectangle area within the range of the pupil. That is, Fujieda discloses that, regardless of the size of the pupil diameter, the XY alignment is executed by referring to the pupil position in a case that there is the deviation between the corneal center and the pupil center.

The subject matter recited in Applicant's claims changes the alignment manner in accordance with the size of the pupil diameter as described above. That is, the alignment is executed between the pupil center and the eye examining portion in a case that the pupil diameter is smaller than the predetermined value, and is executed between the vertex of the cornea and the eye examining portion in a case that the pupil diameter is larger than the predetermined value. However, in the apparatus disclosed by Fujieda, the XY alignment is executed by referring the pupil position in a case that there is the deviation between the corneal center and the pupil center, regardless of the size of the pupil diameter. Especially, in Column 5, Lines 58-61 of Fujieda, Fujieda discloses that the coordinates of P5 and P7 are to be treated likewise in the same manner even if the pupil diameter is large and the eye lid covers a part of the pupil. That is, Fujieda does not consider the alignment in a case where the eye lid covers a part of the pupil. As such, Fujieda fails to provide the effect of the present invention and fails to teach or suggest the above features recited in Applicant's claims. On this basis, the subject matter recited in Claim 1 and 14 are distinguished over the disclosure of Fujieda.

Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

**CONCLUSION**

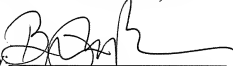
Applicant respectfully submits that Claims 1 and 14 are in condition for allowance and a notice to that effect is earnestly solicited.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any fees which may be required for filing this Amendment and Request for Reconsideration to Deposit Account No. 13-4500, Order No. 1232-5273.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: November 2, 2007

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